Patent
Our Docket: GA0118USC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: NICOLETTE, Charles	)	Art Unit: 1639
Serial No. 10/041,977	)	Examiner: Mark L. Shibuya
Filed: January 9, 2002	)	
For: A method for identifying cytotoxic T-cell epitopes	)	

Commissioner for Patents
P.O. Box 1450
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I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST-CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450

08/28/2007
Date

Taryn Witalek
Signature of person mailing correspondence

Response to Notice of Non-Compliant Appeal Brief under 37 C.F.R. § 41.37

This Response is being filed in response to a Notification of Non-Compliant Appeal Brief mailed June 28, 2007 in connection with the above referenced patent application. This Response was originally due on July 28, 2007. As part of this communication, Applicant is filing a Petition for a One Month Extension of Time, thereby extending the deadline to file this Response to August 28, 2007. Accordingly, this response is timely filed.

I. Remarks

With this Response, Appellant is providing the summary of the claimed subject matter required by 37 C.F.R. § 41.37(c)(1)(v). This summary is provided pursuant to MPEP § 1205.03, which specifically requests the filing of such a paper in lieu of the filing of an entire new brief. This "Summary of Claimed Subject Matter" starts on page 3 of this Response.

II. Conclusion

Authorization is hereby given to charge the fee for a One Month Extension of Time to Deposit Account No. 07-1074. No additional fee is deemed necessary in connection with the filing of this communication. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 07-1074.

Respectfully submitted,

8/28/07
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III. SUMMARY OF CLAIMED SUBJECT MATTER

There is one independent claim present in the claims under appeal, which is claim 1. The present invention as claimed in independent claim 1 provides a method for screening an oligopeptide library for bioactive cytotoxic T lymphocyte (CTL) epitopes. The oligopeptide library contains a conserved structural motif corresponding to a structural motif characteristic of peptides that associate with the MHC-haplotype to which the cytotoxic T cells used in the screening assay are restricted. This structural motif is referred to in the art as an agretope and is the portion of the oliogopeptide that interacts with the MHC molecule. This claim contains a means plus function step in step (ii). The means plus function step is an antigen presentation means characterized by an MHC-haplotype that corresponds to the haplotype to which the cytotoxic T cells used in the instant method are restricted.

In this method, (a) the cytotoxic T cells all share the same MHC-haplotype restriction ("a population of cytotoxic T cells having the same MHC-haplotype restriction"), (b) the released molecules or peptides are released from a library that contains a conserved structural motif corresponding to a structural motif characteristic of the MHC-haplotype restriction of those cytotoxic T cells ("contains a structural motif corresponding to an agretope of the MHC-haplotype to which said cytotoxic T cells are restricted"), and (c) the antigen presentation means is also based upon the MHC-haplotype of the cytotoxic T cells ("which antigen presentation means correspond to the MHC-haplotype to which the cytotoxic T cells are restricted"). The correlated cytotoxic T cells, library of molecules and the antigen presentation means permits complete testing of a less complex library with the goal of finding a range of active molecules, including but not limited to the native sequence.

Support for claim 1 is found throughout the instant specification, and, particularly at page 11 at paragraph [0032] and at page 30 starting at paragraph [0087] through paragraph [0097] on page 36. The structure and materials that correspond to the antigen presentation means of step (ii) are found throughout the instant specification and particularly described at page 28 starting at paragraph [079] through paragraph [085] on page 30.